

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JOHN CULLEN, <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	CIVIL ACTION No. 09-1562
	)	
	)	Magistrate Judge Bissoon
PENNSYLVANIA DEPARTMENT OF	)	
CORRECTIONS, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**ORDER**

Plaintiffs are 5 state prisoners who seek to file a prisoner civil rights action against numerous named Defendants. The Complaint was submitted without a filing fee, and without an application to proceed *in forma pauperis*. The Court of Appeals for the Third Circuit recently offered guidance with regard to multiple plaintiff prisoner litigation and the filing fee provisions, codified under 28 U.S.C. § 1915, of the Prison Litigation Reform Act (“PLRA”). In Hagan v. Rogers, 570 F.3d 146, 155 (3d Cir. 2009), the Court of Appeals held that the “the plain language of § 1915(b)(1) can be read in complete harmony with Rule 20 [concerning joinder] by requiring each joined prisoner to pay the full individual [filing] fee.” Id.

AND NOW, this 3<sup>rd</sup> day of December, 2009,

IT IS HEREBY ORDERED that each named Plaintiff shall submit a separate, full filing fee of \$350.00, or submit a separate application for leave to proceed *in forma pauperis* on or before December 17, 2009. Plaintiffs granted leave to proceed *in forma pauperis* will be required to authorize the eventual payment of a separate \$350.00 filing fee. Any Plaintiff who does not pay a separate \$350.00 fee, or submit a separate petition to proceed *in forma pauperis*, will be dismissed from this case.

IT IS FURTHER ORDERED that the parties are allowed ten (10) days from this date to appeal this order to a district judge pursuant to Rule 72.C.2 of the Local Rules for Magistrates.

Failure to appeal within ten (10) days may constitute waiver of the right to appeal.

s/Cathy Bissoon  
CATHY BISSOON  
UNITED STATE MAGISTRATE JUDGE

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